

S/L 3
31.08.2022
Court. No. 19
GB

WPA 4520 of 2022

Shama Parveen
VS
The State of West Bengal & Ors.

*Mr. Tarique Quasimuddin,
Mrs. Zainab Tahur.*

...for the Petitioner.

*Mr. Anirban Roy,
Mr. Raja Saha,
Mr. Debasish Ghosh.*

...for the State.

*Mr. Manabendranath Bandyopadhyay,
Mr. Shaheb Sadhukhan,
Mr. B.L. Mohanty.*

...for the Respondent No.6.

The investigation of Chitpur Police Station Case No.154 of 2021 dated December 23, 2021 under Section 363 of the Indian Penal Code was handed over to the Criminal Investigation Department, West Bengal.

The Court had passed such direction in order to ensure the safe recovery of the child. Accordingly, the CID, West Bengal initiated the investigation, recorded the statements of the witnesses and published the details of the issue relating to the missing minor child in the newspapers. Raids were held in Jharkhand and Muradabad, UP. Phone numbers had been collected. They were analyzed and a raid was conducted on the basis of such information gathered from the call records, in the house of one Suja Nuser Gani of Kishanganj. The girl was recovered. The complainant/petitioner was informed. Suja Nuser Gani was arrested and was produced before the learned Chief Judicial Magistrate, Kishanganj, Bihar and he was released on bail.

The minor girl was also produced before the learned Chief Judicial Magistrate, Kishanganj. The CID, West Bengal prayed for a transit remand.

However, the learned Chief Judicial Magistrate, Kishanganj, Bihar observed that as the girl was below 16 years and her parents were not present before the learned court, the girl should be handed over to the Child Welfare Committee, Kishanganj and the Child Welfare Committee would hand over the child to the Child Welfare Committee, Kolkata after making further verification.

Under such circumstances, as the petitioner/mother of the victim has been made aware of the whereabouts of the child, who is under the custody of the Child Welfare Committee, Kishanganj, nothing further remains to be decided in the writ petition. Accordingly, the writ petition is disposed of.

The police authorities as also the petitioner are at liberty to take appropriate steps in the matter before the appropriate authorities.

The involvement of the respondent no.6 has not been decided in this writ petition and the allegations against the said respondent has not been considered. The child has been recovered from another place and from the custody of another person.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)